

Notice of Allowability

Application No.

10/690,497

Examiner

Zinna Northington Davis

Applicant(s)

WAGMAN ET AL.

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the IDS filed October 23, 2003 and the Preliminary Amendment filed June 7, 2005.
2. ☒ The allowed claim(s) is/are 1 and 6-45 (now renumbered as 1-40, respectively).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>10/03</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

5.0.0

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Dennis Shelton on June 27, 2005.

2. The application has been amended as follows:

A. At claim 38, last line, has been amended to read as follows:

-- together with a pharmaceutically acceptable carrier wherein said GSK3 mediated disorder is select from the group consisting of diabetes, Alzheimer's disease, Parkinson's disease, Huntington's disease, obesity, atherosclerotic cardiovascular disease, essential hypertension, polycystic ovary syndrome X, ischemia, traumatic brain injury, bipolar disorder, immunodeficiency and cancer--.

B. At claim 39, last line, has been amended to read as follows:

-- comprising administering to the human or animal subject a composition of claim 33 wherein said GSK3 mediated disorder is select from the group consisting of diabetes, Alzheimer's disease, Parkinson's disease, Huntington's disease, obesity, atherosclerotic cardiovascular disease, essential hypertension, polycystic ovary syndrome X, ischemia, traumatic brain injury, bipolar disorder, immunodeficiency and cancer--.

C. At claim 41, last line, has been amended to read as follows:

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-- claim 38 effective to inhibit GSK3 activity in the subject wherein said GSK3 mediated disorder is select from the group consisting of diabetes, Alzheimer's disease, Parkinson's disease, Huntington's disease, obesity, atherosclerotic cardiovascular disease, essential hypertension, polycystic ovary syndrome X, ischemia, traumatic brain injury, bipolar disorder, immunodeficiency and cancer--.

D. Claim 43 has been cancelled.

E. At claim 44, " the phrase "A method of claim 43" has been amended to read as follows:

-- A method of claim 41--.

F. At claim 45, " the phrase "A method of claim 45" has been amended to read as follows:

-- A method of claim 41--.

REASONS FOR ALLOWANCE


The following is an examiner's statement of reasons for allowance:

3. The Preliminary Amendment filed June 7, 2005 has been entered and considered.
4. The Information Disclosure Statement filed October 23, 2003 has been considered.

The references alone or in combination forms do not teach nor suggest structurally similar compounds as those instantly claimed. The International Search Report has been considered. The amendment filed June 7, 2005 excludes the compounds of the X references. Accordingly, the claims are deemed allowable therefrom.

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5. The changes, A-C, made by Examiner's Amendment are made to define the GSK3-mediated disorders of the claim language based upon 35 U.S.C. 112, 1st paragraph.
6. The changes, D-F, made by Examiner's Amendment are to improve the clarity of claim language based upon 35 U.S.C. 112, 2nd paragraph.
7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zinna N. Davis whose telephone number is 571-272-0682.
9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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